

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Building Code Appeals Board  
Docket No. 10-888

Nottingham Street Realty Corp.,	)
	)
Appellant	)
v.	)
City of Lowell,	)
	)
Appellee	)

**BOARD'S RULING ON APPEAL**

This matter came before the State Building Code Appeals Board ("Board") on Appellant's appeal filed pursuant to 780 CMR §122.1. In accordance with 780 CMR §122.3, Appellant has petitioned the Board to grant it relief from a G.L. c.139 demolition order issued by the Lowell City Council. For the following reasons, this appeal is hereby **DISMISSED**.

**Analysis**

The Appellant, Nottingham Street Realty Corp. ("Nottingham"), petitioned the Board to annul or amend an order issued by the Appellee, City of Lowell, that the structures located at 51 Nottingham Street, Lowell, MA be demolished and removed by Nottingham. This appeal is now dismissed as this Board does not have jurisdiction over this matter. Pursuant to G.L. c.139, §2, the proper venue for appeal of the issues presented in this case is the superior court.

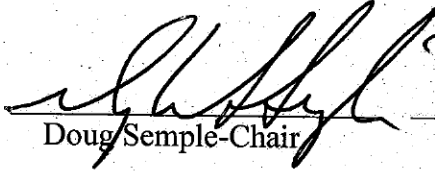
It is clear from the documentation submitted by Nottingham that the City's order was issued pursuant to G.L. c.139, §§1, 3, and 3A, not under the State Building Code. The governing statutes provide a clear venue for appeal of such an order. See G.L. c.139, §2 ("A person aggrieved by such order may appeal to the superior court for the county where such building or other structure is situated, if, within three days after the service of such attested copy upon him, he commences a civil action in such court."). Accordingly, this matter would have to have been appealed to superior court, not the Building Code Appeals Board. This Board is authorized to adjudicate appeals of matters pertaining to the State Building Code. See G.L. c.143, §100. This is not such a case.

**Conclusion**

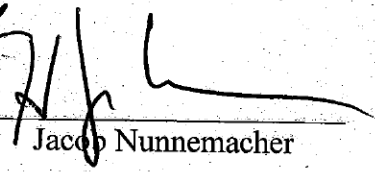
A motion was made by Sandy Macleod and seconded by Jake Nunnemacher that for the foregoing reasons the appeal be dismissed. By unanimous vote, the appeal is hereby **DISMISSED**.



Sandy MacLeod



Doug Semple-Chair



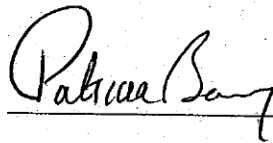
Jacob Nunnemacher

**DATED: June 3, 2010**

*Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.*

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: June 3, 2010



Patricia Barry, Clerk